

# **EXHIBIT B**

**Cowley, Steven M.**

---

**From:** Lackman, Eleanor <eml@msk.com>  
**Sent:** Wednesday, December 22, 2021 9:23 PM  
**To:** Cowley, Steven M.; Mullins, Bradley; Edelstein, Lindsay  
**Cc:** Chen, Peggy S.  
**Subject:** RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

Counsel,

I'm not looking to overcomplicate things regarding the confidentiality issue. What I am suggesting is simple: for the documents you identified, which identification Lindsay Edelstein supplemented last week, will you agree to destroy all copies and certify you have done so? I appreciate that "return" made sense for a paper world, but in the modern era, I interpret "return" to mean "delete." Put simply, once the task is completed, all copies of the designated documents will be gone. How you term it is of no moment so long as we agree that they will no longer exist in your firm's, or your client's, or ImageRights', possession, custody or control (to the extent it ever did).

If you can agree to the above, we can agree to the form of the agreement from the 18<sup>th</sup> and we can get your client paid on January 6. If we have to keep going around in circles on meaningless issues, I would rather just get the court's assistance.

To your last point: If you didn't see my missing words, then there's nothing further to communicate.

Please let me know your position so that I know whether to instruct my client to put in the order before Christmas to cut the check.

Regards,  
Eleanor



**Eleanor M. Lackman | Partner**

T: 212.878.4890 | [eml@msk.com](mailto:eml@msk.com)

**Mitchell Silberberg & Knupp LLP | [www.msk.com](http://www.msk.com)**

437 Madison Ave., 25th Floor, New York, NY 10022

2049 Century Park East, 18th Floor, Los Angeles, CA 90067

THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, FORWARDING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR TELEPHONE, AND DELETE THE ORIGINAL MESSAGE AND ALL ATTACHMENTS FROM YOUR SYSTEM. THANK YOU.

---

**From:** Cowley, Steven M. <SMCowley@duanemorris.com>

**Sent:** Tuesday, December 21, 2021 2:41 PM

**To:** Lackman, Eleanor <eml@msk.com>; Mullins, Bradley <bym@msk.com>; Edelstein, Lindsay <lre@msk.com>

**Cc:** Chen, Peggy S. <PSChen@duanemorris.com>

**Subject:** RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

-EXTERNAL MESSAGE-